



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C. 20460**

**EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE**  
**OFFICE OF GENERAL COUNSEL**

August 3, 2021

**In Reply Refer to:**

EPA Complaint No. 01RNO-20-R7

Dru Buntin, Acting Director  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102  
Dru.Buntin@dnr.mo.gov

**Re: Request for Information**

Dear Acting Director Buntin:

The U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) is requesting additional information to facilitate the investigation of complaint number 01RNO-20-R7, involving the Missouri Department of Natural Resources (MoDNR). The focus of this Request for Information (RFI) is to clarify some of the responses to RFI #1 received on February 5, 2021 and address the following issue that was accepted for investigation:

1. Whether MDNR discriminated against a community of color, collectively hereinafter referred to as "Dutchtown" located in St. Louis, MO, on the basis of race, color and/or national origin in violation of Title VI of the Civil Rights Act of 1964, and EPA's implementing regulation, 40 C.F.R. Part 7, by issuing Part 70 Intermediate Operating Permit Number OP2020-008 to the Kinder Morgan Transmix Company, LLC operations.<sup>1</sup>

In order to complete the investigation, pursuant to its authority under 40 C.F.R. §§ 7.115 and 7.120, ECRCO requests MoDNR to produce the information and documents outlined in the enclosed Request for Information (Enclosure 1) within thirty (30) calendar days of receipt of this

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<sup>1</sup> Title VI of the Civil Rights Act, 42 U.S.C. 2000(d) *et seq.* (prohibiting discrimination on the basis of race, color or national origin); 40 C.F.R. Parts 5 and 7. See also U.S. EPA, Chapter 1 of the U.S. EPA's External Civil Rights Compliance Office Compliance Toolkit: Chapter 1, transmittal letter, and FAQs, at [https://www.epa.gov/sites/production/files/2020-02/documents/toolkit\\_ecrco\\_chapter\\_1-letter-faqs\\_2017.01.18.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/toolkit_ecrco_chapter_1-letter-faqs_2017.01.18.pdf). (2017).

letter. Please provide any other information that MoDNR would like EPA to consider while investigating the issues in this complaint. For your convenience, MoDNR may provide electronic versions of the requested responses and documents.

After ECRCO's review of the information MoDNR provides, ECRCO may request additional information and/or documents, so please preserve all electronic communications and other documents that may be relevant to the investigation. Please provide the name and telephone number of the individual who compiled the information in response to this Request for Information, and the name and telephone number of the individual to whom ECRCO should direct any future questions.

If you have any questions, please feel free to contact me or Jeryl Covington, Case Manager at 202-564-7713, by email at [covington.jeryl@epa.gov](mailto:covington.jeryl@epa.gov). Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Rhines", with a stylized flourish at the end.

Dale Rhines  
Deputy Director  
External Civil Rights Compliance Office  
Office of General Counsel

Enclosures: 1 – Request for Information  
2 – Instructions

cc: Jacob Westen  
General Counsel  
Missouri Department of Natural Resources

Angelia Talbert-Duarte  
Associate General Counsel  
Civil Rights & Finance Law Office

Edward H. Chu  
Acting Regional Administrator  
Deputy Civil Rights Official  
EPA Region 7

Leslie Humphrey  
Regional Counsel  
EPA Region 7

**Enclosure 1**  
**EPA Complaint No. 01RNO-20-R7**  
**Request for Information #2: Missouri Department of Natural Resources (MoDNR)**

Produce the following information using the instructions included as Enclosure 2. A response must be sent to the EPA within **thirty (30) calendar days** of MoDNR's receipt of this request for information letter.

Coordination with Local Government, Community Groups, and the State of Illinois

(b) (7)(E)



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<sup>2</sup> Environmental Protection Agency Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance) Federal Register Volume 71, No.54, March 21, 2006, p. 14215. See [https://www.epa.gov/sites/production/files/2013-09/documents/title6\\_public\\_involvement\\_guidance.3.13.13.pdf](https://www.epa.gov/sites/production/files/2013-09/documents/title6_public_involvement_guidance.3.13.13.pdf)

<sup>3</sup> Environmental Protection Agency Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance) Federal Register Volume 71, No.54, March 21, 2006, p. 14215. See [https://www.epa.gov/sites/production/files/2013-09/documents/title6\\_public\\_involvement\\_guidance.3.13.13.pdf](https://www.epa.gov/sites/production/files/2013-09/documents/title6_public_involvement_guidance.3.13.13.pdf)

(b) (7)(E) [Redacted text block]

MoDNR Regulatory Enforcement Activities

(b) (7)(E) [Redacted text block]

(b) (7)(E) [Redacted]

[Redacted]

Air Quality Permitting, Health Impacts, and Quality of Life

(b) (7)(E) [Redacted]

[Redacted]

(b) (7)(E)



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<sup>4</sup> United States Environmental Protection Agency's Clean Air Act Stationary Source Compliance Monitoring Strategy, October 2016.

<sup>5</sup> 40 CFR 58.20 (a):

<sup>6</sup> MoDNR February 5, 2021 response, p. 413, St. Louis Community Air Project.

<sup>7</sup> Missouri Department of Natural Resources' response to EPA ECRCO letter of Acceptance of Administrative Complaint, EPA Complaint No. 01RNO-20-R7, November 12, 2020, Exhibit 7: Revisions to Public Notice Provisions in Clean Air Act Permitting Programs (Federal Register /Vol. 81, No. 201 /Tuesday, October 18, 2016 /Rules and Regulations, p. 71613).

(b) (7)(E)



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<sup>8</sup> 10 CSR 10-6— C. Drafts for public comment. Following review of an application, the permitting authority shall issue a draft permit, draft permit modification, or draft permit renewal for public comment, in accordance with section (6).

<sup>9</sup> 40 CFR 51.161(b)(1) “This requirement may be met by making these materials available at a physical location or on a public Web site identified by the State or local agency.” [Federal Register /Vol. 81, No. 201 /Tuesday, October 18, 2016 /Rules and Regulations p. 71617]

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**Enclosure 2**  
**INFORMATION REQUEST**  
**INSTRUCTIONS**

Each of the following instructions applies to each and every question contained in the letter.

1. MoDNR must provide a written response to each request for information, even if such a response is a statement reflecting that no responsive information or documents exist. Each response should be preceded by the number and content of the question being answered.
2. If MoDNR's response to a question requires a scanned document, MoDNR must identify the filename or document title (by name, and if applicable). Make sure to correlate any scanned documents to a specific question. If a document is responsive to more than one question, this must be so indicated and only one copy of the document needs to be provided.
3. MoDNR should submit documents in electronic format. Should MoDNR choose to produce .pdf electronic documents, do not create separate .pdf files for each page of a single document. Files publicly available online must be downloaded and submitted in .pdf format. Files submitted must be those utilized in MoDNR's decision-making process, not later drafts.
4. Identify each person whom MoDNR relied on or consulted with in preparing its responses to each question of this information request. Provide the individuals' names, titles, job duties and duration of employment with MoDNR. If they are not an employee of MoDNR, identify their employer and provide their names, title, job duties and duration of employment with their employer.
5. Identify (by name, and if applicable) each document consulted, examined, or referred to in the preparation of MoDNR's response or that contains information responsive to the question, and provide a true and correct copy of each such document if not already being produced in response to another specific question. If a document is responsive to more than one question, this must be so indicated and only one copy of the document needs to be provided.
6. If requested information or documents are not known or are not available to MoDNR at the time of MoDNR's response to this information request, but later becomes known or available to MoDNR, please supplement response to the EPA within **thirty (30) calendar days** of discovery of the responsive information. Moreover, should MoDNR find at any time after submission of response that any portion is or becomes false, incomplete or misrepresents the facts, MoDNR must provide the EPA with a corrected response as soon as possible.

Provide a response to each and every question, and each and every subpart of a question.